

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:	)	<b>AMENDED</b>
Carlton Ellis	)	Case No. <u>11-50628</u>
506 E Geriod St	)	Chapter <u>13</u>
East Spencer, NC 28039	)	
Brenda Peek Ellis	)	
506 E Geriod St	)	
East Spencer, NC 28039	)	
	)	
	)	
	)	
SS# <u>xxx-xx-6893</u>	)	
SS# <u>xxx-xx-8242</u>	)	
Debtor(s)	)	

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on April 26, 2011.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

## CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

### I. Plan Payments

The plan proposes a payment of \$937.00 per month for a period of 60 months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

### II. Administrative Costs

#### 1. Attorney fees.

- The attorney for the Debtor will be paid the base fee of \$3,000.00. The Attorney has received \$1,200.00 from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
  - The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.
2. **Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

### III. Priority Claims

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

#### 1. Domestic Support Obligations ("DSO")

- a.  None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

#### 2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
-NONE-	

**IV. Secured Claims****1. Real Property Secured Claims**

- a.  None
- b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
CitiMtg, Inc.	<b>House and lot used as residence (tax value about \$63,000)</b>	R	N	\$555.00	\$6,500.00	

**2. Personal Property Secured Claims**

- a.  None
- b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Santander Consumer USA	<b>2006 Ford Freestyle Van</b>	\$9,000.00	N	\$3,050.00	\$490.00	\$176.66	5.25%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

*To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).*

**3. Collateral to be Released**

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

**4. Liens to be Avoided**

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

**V. Co-Debtor Claims**

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

**VI. General Unsecured Claims Not Separately Classified**

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 0 %.

**VII. Executory Contracts/Leases**

- a.  None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

**VIII. Special Provisions**

- a.  None
- b. Other classes of unsecured claims and treatment
- c. Other Special Terms

Date: June 2, 2011/s/ William V. Bost**William V. Bost**

Attorney for the Debtor

Address: **207 West Kerr Street****Salisbury, NC 28144**Telephone: **704-637-0312**State Bar No. **6041**

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SS# <u>xxx-xx-6893</u>	)	
SS# <u>xxx-xx-8242</u>	)	
Debtor(s)	)	Case No. <u>11-50628</u>

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

**Reid Wilcox**  
**Clerk of Court**  
**U.S. Bankruptcy Court**  
**Middle District of North Carolina**  
**P.O. Box 26100**  
**Greensboro, NC 27402**

**Kathryn L. Bringle**  
**Chapter 13 Trustee**  
**Winston-Salem Division**  
**Post Office Box 2115**  
**Winston-Salem, NC 27102-2115**

**Black Expressions Book Club**  
**c/o RJM Acq, LLC**  
**575 Underhill Blvd, Ste 224**  
**Syosset, NY 11791**

**BP**  
**PO Box 15298**  
**Wilmington, DE 19850-5298**

**CareCredit/GE Money Bank**  
**PO Box 981127**  
**EI Paso, TX 79998-1127**

**CareOne**  
**PO Box 6549**  
**Columbia, MD 21045**

**Chase**  
**PO Box 15298**  
**Wilmington, DE 19850-5298**

**CitiMtg, Inc.**  
**PO Box 7706**  
**Springfield, OH 45501**

**CitiMtg, Inc.**  
**PO Box 9438**  
**Dept 0251**  
**Gaithersburg, MD 20898-9438**

**Dell Computer/WEB Bank**  
**PO Box 81577**  
**Austin, TX 78708**

**Dell Preferred Account**  
**PO Box 81585**  
**Austin, TX 78708**

First Premier Bank  
PO Box 5147  
Sioux Falls, SD 57117-5147

J Newton Cohen, Inc.  
c/o Tek-Collect, Inc.  
PO Box 26390  
Columbus, OH 43226-0390

JC Penny  
PO Box 981131  
El Paso, TX 79998

Lowe's/GE Money Bank  
Attn: Bankruptcy Dept  
PO Box 103104  
Roswell, GA 30076

Old Navy/GE Money Bank  
Attn: Bankruptcy Dept  
PO Box 103104  
Roswell, GA 30076

RMB, Inc.  
409 Bearden Park Circle  
Knoxville, TN 37919

Rowan Collection Agency  
PO Box 1907  
Salisbury, NC 28145-1907

Rowan Family Physicians  
650 Julian Rd  
Salisbury, NC 28147

Rowan Regional Medical Center  
612 Mocksville Ave  
Salisbury, NC 28144

Santander Consumer USA  
Attn: Bankruptcy Dept  
PO Box 560284  
Dallas, TX 75356-0284

Shapiro and Ingle, LLP  
Attn: David W. Neill/Elizabeth B. Ells  
10130 Permieter Pkwy, Stse 400  
Charlotte, NC 28216

Smith Debnam Narron Drake Saintsing  
& Myers, LLP  
PO Box 26268  
Raleigh, NC 27611-6268

Stern & Associates  
415 N Edgeworth St, Ste 210  
Greensboro, NC 27401-2071

TJX Rewards  
PO Box 15298  
Wilmington, DE 19850-5298

Wal-Mart  
PO Box 981064  
El Paso, TX 79998

Date: June 2, 2011

/s/ William V. Bost

William V. Bost